

Message Text

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FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC IMMEDIATE 1111
INFO AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY SANTIAGO
AMCEMBASSY ASUNCION
AMEMBASSY MONTEVIDEO
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C O N F I D E N T I A L SECTION 1 OF 3 BRASILIA 3035

EO 11652 GDS
TAGS PINT PGOV BR
SUBJECT: PRESIDENT DECREES CONSTITUTIONAL CHANGES TO CURB OPPOSITION

REFS: (A) BRASILIA 2966 (B) BRASILIA 2970

1. SUMMARY: PRESIDENT DECREED 17 CONSTITUTIONAL AMENDMENTS APRIL 14, SEVERAL SIGNIFICANTLY CHANGING POLITICAL AND ELECTION GROUND RULES FOR BRAZIL. AMENDMENTS WILL (1) EXTEND TERM OF NEXT PRESIDENT FROM FIVE TO SIX YEARS, (2) MAKE ELECTIONS OF GOVERNORS INDIRECT BY ELECTORAL COLLEGE EXPANDED TO INCLUDE CITY COUNCILMEN, MAJORITY OF WHICH ARENA-CONTROLLED, (3) HAVE SAME ELECTORAL COLLEGE ELECT ONE THIRD OF 66-MEMBER SENATE; (4) MAKE ELECTIONS CONFIDENTIAL

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SIMULTANEOUS FOR MUNICIPAL AND LEGISLATIVE OFFICIALS BEGINNING IN 1982; (5) LIMITE THE SIZE OF THE CHAMBER OF DEPUTIES TO 420 IN 1979; ALLOCATED ON A BASIS OF STATE POPULATION RATHER THAN QUALIFIED VOTERS, THUS GIVING MORE REPRESENTATION TO NORTHEASTERN STATES WHERE ARENA IS POWERFUL; (6) REDUCE TO ABSOLUTE MAJORITY, FROM PRESENT TWO-THIRDS, MARGIN NECESSARY TO PASS CONSTITUTIONAL AMENDMENTS IN CONGRESS, THUS REDUCING POWER OF OPPOSITION TO BLOCK GOVERNMENT AMENDMENTS; (7) EXTEND "LEI FALCAO" TO ALL ELECTIONS, WHICH LIMITE ACCESS OF CANDIDATES TO ELECTRONIC MEDIA FOR CAMPAIGNING, AND (8) RESTORE "SUB-LEGENDS," OR PARTY SLATE VOTING IN

SENATORIAL ELECTIONS. CONSTITUTIONAL CHANGES EFFECTIVELY STACK THE ELECTORAL DECK AGAINST THE MDB, RULE OUT EFFECTIVE POPULAR PARTICIPATION IN THE 1978 ELECTIONS, AND FURTHER ISOLATE THE GOVERNMENT FROM BRAZILIAN SOCIETY. END SUMMARY.

2. PRESIDENT DECREED FOLLOWING POLITICAL "REFORMS" APRIL 14 AMENDING CONSTITUTION:

3. ARTICLE 13: INDIRECT ELECTION OF GOVERNOR AND VICE GOVERNOR. INDIRECT ELECTION WILL BE BY ELECTORAL COLLEGE CONSISTING OF THE STATE ASSEMBLY MEMBERS AND DELEGATES FROM THE MUNICIPAL COUNCILS. DELEGATES WILL BE CHOSEN ON BASIS OF ONE PER EVERY 200,000 PEOPLE WITH EACH MUNICIPALITY SENDING AT LEAST TWO DELEGATES. ELECTIONS WILL BE HELD ON SEPTEMBER 1 AND MANDATES WILL RUN FOR 4 YEARS. OFFICIALS WILL BE CHOSEN BY ABSOLUTE MAJORITY OF ELECTORAL COLLEGE. EFFECT: MEASURE GIVES DISPROPORTIONATE VOTING WEIGHT TO SMALLER MUNICIPALITIES WHERE ARENA IS GENERALLY STRONG. MEASURE VIRTUALLY GUARANTEES ARENA GOVERNORS IN 20 STATES, WITH MDB ABLE TO ELECT THE GOVERNOR ONLY IN STATE OF RIO DE JANEIRO.

4. ARTICLE 15: DIRECT ELECTION OF MUNICIPAL OFFICIALS (MAYOR AND VICE MAYOR, COUNCILMEN) WILL BE SIMULTANEOUS WITH CONGRESSIONAL ELECTIONS BEGINNING 1982. NEXT SCHEDULED ELECTIONS (1980) FOR MUNICIPAL OFFICIALS WILL BE FOR TERM OF ONLY TWO YEARS. CONFIDENTIAL

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EFFECT: THERE ARE CAMPAIGN EFFICIENCIES RELATED TO EXPENDITURE AND EMPHASIS INHERENT IN MEASURE, BUT NO GREAT POLITICAL ADVANTAGE AT THIS EARLY JUNCTURE TO EITHER PARTY. OBJECTIVE OF GOVERNMENT IS TO AVOID, IN PRESIDENT'S WORDS, "CRISIS EVERY TWO YEARS." BEGINNING 1982 GOVERNMENT WILL HAVE TO RISK PUBLIC JUDGMENT ONLY EVERY FOUR YEARS. (THIS IS DEPARTURE FROM DOCTRINE OF FIRST REVOLUTIONARY PRESIDENT CASTELLO BRANCO THAT FREQUENT VOTING TRAINS CITIZENRY IN DEMOCRATIC SKILLS.)

5. ARTICLE 39: PLACES CEILING OF 420 MEMBERS ON THE CHAMBER OF DEPUTIES, ALLOCATED AMONG STATES IN PROPORTION TO TOTAL POPULATION, BUT WITH NO STATE HAVING MORE THAN 55 MEMBERS NOR LESS THAN SIX.

EFFECT: FEDERAL CHAMBER WILL NOW NOT BE ABLE TO INCREASE INDEFINITELY WITH THE GROWTH OF THE ELECTORATE. PREVIOUS CONSTITUTIONAL PROVISION ALLOCATED DEPUTIES ON BASIS OF ELIGIBLE VOTES, THUS GIVING GREATER REPRESENTATION TO ADVANCED STATES OF SOUTH WHERE LITERACY AND POLITICAL ACTIVISM IS GREATER. REFORM GIVES GREATER NUMBER OF SEATS TO NORTHERN AND CENTRAL STATES WHERE ARENA STRONGER AND POPULATION GROWTH FASTER.

6. ARTICLE 41: THIS AMENDMENT PROVIDES THAT IN ELECTION YEARS WHEN TWO-THIRDS OF THE SENATE, OR 44 SEATS, ARE UP FOR REELECTION, ONE HALF WILL BE CHOSEN BY INDIRECT ELECTION BY SAME ELECTORAL

COLLEGE WHICH CHOOSES GOVERNORS. "SUB-LEGENDAS" (I.E. USE OF SAME PARTY LABEL BY SEVERAL CANDIDATES) WILL NOW BE PERMITTED FOR SENATE ELECTIONS WHERE DIRECT VOTING APPLIES. CANDIDATE FOR SENATE RECEIVING SECOND HIGHEST VOTE ON PARTY SLATE WILL BECOME ALTERNATE TO SENATOR-ELECT. DECREE ALSO SETS ELECTION DATE AS NOVEMBER 15, 1978.

EFFECT: GOVERNMENT THROUGH ITS CONTROL OF ELECTORAL COLLEGE WILL NOW HAVE POWER TO INSURE ARENA DOMINATES AT LEAST ONE-THIRD OF SENATE. MDB IMPROVED ITS NUMBERS IN SENATE CONSIDERABLY IN 1974 AND GOVERNMENT AND ARENA FEARED IT WOULD MAKE SIMILAR ADVANCES IN 1978. MDB NOW CONTROLS 17 SENATE SEATS. TO INSURE MAJORITY IN
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1978 UNDER PRESENT, TIGHTER GROUND RULES IT WOULD HAVE TO WIN 17 OF 22 SEATS UP FOR DIRECT ELECTION. UNDER SUB-LEGENDA SYSTEM, CANDIDATE WITH HIGHEST INDIVIDUAL TOTALS IS CREDITED WITH TOTAL VOTE GIVEN TO ALL PARTY DANDIDATES. THIS REVISION IS PRESUMED TO HELP ARENA SINCE IT IS SUPPOSEDLY ABLE TO

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FIELD GREATER NUMBER OF POPULAR CANDIDATES IN MANY STATES THAN NUMERICALLY SMALLER MDB.

7. ARTICLES 47 AND 48: AMENDMENTS REQUIRE ONLY ABSOLUTE MAJORITY OF CONGRESS TO AMEND CONSTITUTION INSTEAD OF FORMER LEVEL OF

TWO-THIRDS. ARTICLE 47 REVISED TO REQUIRE SIGNATURES ON PETITION OF ONE THIRD OF THE MEMBERS OF SENATE AND ONE THIRD OF THE CHAMBER OF DEPUTIES TO PROPOSE CONSTITUTIONAL AMENDMENTS. FORMERLY IT WAS ONE THIRD OF EITHER HOUSE.

EFFECT: AMENDMENT WILL PROHIBIT MINORITY MDB FROM BLOCKING MAJOR LEGISLATIVE PROGRAM PROPOSED BY GOVERNMENT, AS IT DID NO JUDICIAL REFORM BILL WHICH WAS PROXIMATE CAUSE, OR PRETEXT, OF RECENT CONFIDENTIAL

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CRISIS. AMENDMENTS ALSO MAKE IT MORE DIFFICULT FOR CONSTITUTIONAL AMENDMENT PROCESS TO BEGIN IN CONGRESS BY REQUIRING PARTICIPATION OF MEMBERS OF BOTH HOUSES IN PETITIONING PROCESS. PRESIDENTIAL CONTROLS OVER INITIATION OF CONSTITUTIONAL AMENDMENT PROCESS ARE STRENGTHENED.

8. ARTICLE 74, COUPLED WITH AMENDED ARTICLE 39 ABOVE, CHANGES THE CRITERION FOR DESIGNATION OF DELEGATES TO THE PRESIDENTIAL ELECTORAL COLLEGE BEGINNING WITH ELECTION OF 1984. EACH STATE ASSEMBLY WILL FURNISH A MINIMUM OF THREE DELEGATES PLUS ONE FOR EACH MILLION OF STATE POPULATION. NO ASSEMBLY WILL HAVE LESS THAN FOUR DELEGATES.

EFFECT: AMENDMENT GIVES SOMEWHAT GREATER VOTING WEIGHT TO SMALLER STATES, WHERE ARENA TENDS TO BE STRONGER.

9. ARTICLE 75 AND ARTICLE 77 CALL FOR PRESIDENTIAL ELECTIONS NOW TO TAKE PLACE IN OCTOBER 15, 1978, INSTEAD OF JANUARY 15, 1979, AND PRESIDENTIAL AND VICE PRESIDENTIAL TERMS TO BE SIX INSTEAD OF FIVE YEARS.

10. OBJECTIVE OF NEW ELECTION DATE, ACCORDING TO PRESS BACKGROUNDEERS, IS TO MEET GEISEL'S DESIRES (1) TO HAVE INDIRECT ELECTIONS, INCLUDING THAT OF PRESIDENT, TAKE PLACE BEFORE DIRECT ELECTIONS; (2) TO HAVE PRESIDENT ELECTED AT TIME WHEN CONGRESSIONAL MEMBERS OF ELECTORAL COLLEGES STILL HAVE CONSIDERABLE TIME TO GO ON THEIR TERMS; AND (3) TO GIVE THE PRESIDENT-ELECT MORE TIME TO "UNDERSTUDY" ON NATIONAL PROBLEMS. EXTENSION OF TERM FROM FIVE TO SIX YEARS IS JUSTIFIED BY THE PRESIDENT ON THE GROUND THAT IT WILL GIVE HIS SUCCESSOR MORE TIME TO WORK OUT HIS PROGRAMS FOR DEALING WITH NATIONAL PROBLEMS. SOME ANALYSTS HAVE ARGUED THAT PURPOSE OF EARLIER PRESIDENTIAL ELECTION DATE IS TO AVOID POSSIBILITY OF UNPLEASANT SURPRISES BY AREANA MEMBERS OF ELECTORAL COLLEGE WHO UNDER PREVIOUS TIMETABLE WOULD HAVE BEEN LAME DUCKS.

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11. THREE NEW ARTICLES 208, 209, AND 210 WILL END THE CURRENT PRESIDENT'S AND VICE PRESIDENT'S TERM AS OF MARCH 15, 1979, LIMIT MAYOR, VICE MAYORS AND COUNCILMAN ELECTED IN 1980 TO TWO

YEARS, AND WILL NOT APPLY THE EFFECTS OF ARTICLE 39 ABOVE AS AMENDED UNTIL 1979, THUS PROTECTING THE CURRENT CONGRESS FROM REDUCTIONS. EFFECT: PRESIDENT WANTED TO EMPHASIS HIS COMMITMENT TO LEAVE OFFICE BY HAVING LIMITATION ENUNCIATED THROUGH A CONSTITUTIONAL AMENDMENT.

12. PRESIDENT ALSO DECREED CHANGE OF "LEI FALCAO" TO EXTEND COVERAGE OF LAW TO FUTURE NATIONAL ELECTION CAMPAIGNS, THUS INSURING THAT ELECTRONIC MEDIA WOULD NOT BE AT DISPOSAL OF CANDIDATES FOR PUBLIC OFFICE EXCEPT FOR PRO FORMA DISPLAY OF PICTURE AND SOME BIOGRAPHIC DATA. EFFECT IS TO REMOVE POSSIBILITY OF CARRYING 1978 CAMPAIGN ISSUES TO PUBLIC THROUGH RADIO AND TV. ELECTRONIC MEDIA WERE MAJOR ADVANTAGE TO MDB CANDIDATES IN PARTY'S 1974 CONGRESSIONAL ELECTION SUCCESS.

13. OTHER CONSTITUTIONAL REFORMS ENACTED AT SAME TIME DEALING WITH PUBLIC ADMINISTRATION, TAXATION AND POWER OF CONGRESS, BUT NOT DIRECTLY LINKED TO PRESIDENT'S POLITICAL REFORM SCHEME, WILL BE REPORTED SEPARATELY.

14. COMMENT: IN SERIES OF EVENTS BEGINNING WITH HIS CLOSURE OF CONGRESS ON MARCH 30, PRESIDENT GEISEL HAS CROSSED A NEW FRONTIER OF ABSOLUTISM FOR THE THREEE YEARS OF HIS ADMINISTRATION AND PERHAPS FOR THE 13 YEARS FO THE REVOLUTION ITSELF. THE DISMISSAL OF CONGRESS AND THE SUBSEQUENT WRITING OF WHAT IS BLANDLY CALLED HERE CONSTITUTIONAL "REFORMS" HAVE BEEN A CASE STUDY IS AUTOCRATIC, CLOSED DECISIONMAKING. THE PROCESS HAS VERGED ON THE UNREAL, WITH THE NATION OBSERVING PASSIVELY AS ONE MAN AND A HANDFUL OF ADVISERS HUDDLED BEHIND CLOSED DOORS TO REWRITE THE FUNDAMENTAL LAW OF A COMPLEX SOCIETY OF 110 MILLION PEOPLE.

15. O ESTADO DE SAO PAULO SARCASTICALLY CALLED THE PROCESS A "CONSTITUTIONAL CONFIDENTIAL

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TUENT ASSEMBLY OF THREE,¹ SINCE GEISEL WAS ASSISTED IN THE EARLY STAGEW OF DRAFTING ONLY BY CHIEF OF THE CIVIL HOUSEHOLD GOLBERY AND MINISTER OF JUSTICE FALCAO. ACCORDING TO PRESS REPORTS GEISEL SUBSEQUENTLY WAS ASSISTED IN THE DRAFTING, MOST OF WHICH HE REPORTEDLY

DID OR RE-DID HIMSELF, BY CHIEF OF SNI FIGUEIREDO, MINITARY HOUSEHOLD CHIEF ABREAU, FORMER PRESS ADVISER AND CLOSE PERSONAL FRIEND HUMBERTO BARRETO, PRESIDENTIAL PRIVATE SECRETARY HEITOR AQUINO FERREIRA, AND PETRONIO PORTELLA, PRESIDENT OF THE SENATE. WHILE ARENA PRESIDENT FRANCELINO PEREIRA AND CHAMBER OF DEPUTIES PRESIDENT MARCO MACIEL WERE CALLED IN FOR CONSULTATIONS AS DRAFTS WERE PREPARED, CONGRESS'S INVOLVEMENT IN THE DRAFTING PROCESS WAS MINIMAL, AND THAT OF THE OPPOSITION MDB WAS NON-EXISTENT. SOME ARENA CONGRESSIONAL AND STATE GOVERNMENT LEADERS WERE BRIEFED ON THE FINISHED

DRAFT AND THEIR EXPRESSED CONCERNS ABOUT THE POLITICAL RISKS FOR ARENA OF AT LEAST ONE OF ITS PROVISIONS, STRAIGHT TICKET VOTING,

SEEM TO HAVE PLAYED A PART IN GETTING IT REMOVED.
THERE IS ALSO NO EVIDENCE OF ANY PARTICIPATION BY OR PARALLEL

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O R 161540Z APR 77
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CONSULTATIONS WITH THE MILITARY HIGH COMMANDS IN DRAFTING THE
REFORMS OF THE CONSTITUTION. GEISEL APPEARS TO HAVE HAD A VIRTUAL
BLANK CHECK FROM THE MILITARY TO MAKE THE CHANGES, PRINCIPALLY
BECAUSE OF THE MILITARY'S FULL CONFIDENCE HE WOULD OPT FOR CHANGES
ACCEPTABLE TO THEM.

16. IN PRACTICAL POLITICAL TERMS, GEISEL'S REFORMS, AS INTENDED,
EFFECTIVELY BLOCK MDB'S ACCESS TO EVEN A SHARE OF POWER IN THE
1978 ELECTIONS, CLOSES OUT THE PROSPECT FOR EFFECTIVE POPULAR
PARTICIPATION, FURTHER CLOSES CHANNELS FOR CRITICISM BY THE MDB
OR BY OTHER OPPOSITIONISTS, AND FURTHER WIDENS GAP BETWEEN THE
REGIME AND THE SOCIETY. AS RIO'S JORNAL DO BRASIL SAID IN LENGTHY
INDIGNANT EDITORIAL APRIL 14, REFORMS HAVE EFFECT OF "REMOVING
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THE POPULAR WILL FROM THE PROCESS OF CHOOSING THOSE WHO GOVERN,
SEPARATING THE POWER OF THE ELECTORS FROM THE POWER OF THOSE WHO
ARE ELECTED, AND ISLOATING THE STATE FROM THE NATION AND CIVIL
SOCIETY FROM THE ADMINISTRATIVE APPARATUS." REGIME'S
NAKED CONSTITUTIONAL GIMMICKRY UNAMBIGUOUSLY SIGNALS END TO ANY
LINGERING HOPES OF FURTHER DECOMPRESSION, AT LEAST DURING THE

GEISEL PERIOD.

17. BY WITHDRAWING MDB'S MAJOR RAISON D'ETRE, THE HOPE OF AN ULTIMATE SHARE OF POWER, REFORMS MAKE THE OPPOSITION PARTY'S FUTURE EXISTENCE HIGHLY PROBLEMATIC. THIS UNASHAMED DISPLAY OF THE REGIME'S DETERMINATION TO DO WHATEVER IS NEEDED, NOW OR IN THE FUTURE, TO BAR THE PARTY FROM POWER CAN ONLY BE INTIMIDATING TO MDB ACTIVISTS AND PROSPECTIVE RECRUITS ALIKE. ALTHOUGH IN SHORT RUN

THE POSSIBILITY EXISTS THAT PUBLIC RESENTMENT OF THE GOVERNMENT'S HIGH HANDEDNESS WILL YIELD AN EVEN LARGER MDB TURNOUT IN ITS STRONGHOLDS IN 1978 FOR THOSE OFFICES WHERE DIRECT POPULAR VOTING IS STILL APPLICABLE. LATENT ACTIONS LEAVE LITTLE DOUBT THAT IF MDB WERE BY EXTRAORDINARY PERFORMANCE TO GAIN MAJORITY IN SENATE (MDB WOULD HAVE TO WIN 18 OF 22 SEATS UP FOR DIRECT ELECTIONS), REGIME WOULD TAKE STEPS TO NULLIFY THEIR VICTORY. WE ALSO EXPECT FURTHER RADICALIZATION OF THE MDB, EVEN WITH POSSIBLE RECOURSE TO SUICIDE TACTICS BY SOME OF PARTY'S LEFT WING, AS THERE WILL PROBABLY BE CASSATIONS IF MDB REACTS TOO STRONGLY. REFORMS VIRTUALLY GUARANTEE SWEEP BY ARENA CANDIDATES IN 1978. BUT OVER THE LONGER TERM ARENA MAY WELL SUFFER FURTHER LOSS OF PUBLIC SUPPORT AND ALREADY LIMITED CREDIBILITY BECAUSE OF THE REFORMS AND ITS IDENTIFICATION WITH THE REGIME THAT IMPOSED THEM. SPECIFICALLY, WE EXPECT REFORMS WILL RATHER QUICKLY COST ARENA SOME SUPPORT AMONG THE MANY BRAZILIANS WHO VOTED FOR IT IN NOVEMBER 1976 MUNICIPAL ELECTIONS IN EXPECTATION THAT STRONG POPULAR MANDATE FOR GEISEL WOULD ENCOURAGE AND AID HIM IN LIBERALIZING SYSTEM.

18. IN CONSIDERING EFFECT OF MEASURES ON OVERALL POLITICAL CLIMATE, WE BELIEVE THAT THEY WILL INDUCE IN BROAD SECTORS
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GREATER APATHY OR CYNICISM ABOUT VALUE OF POLITICAL PARTICIPATION IN GENERAL AND FURTHER STIMULATE PRESENT LATENT UNEASE AND WEARINESS WITH 13-YEAR OLD REVOLUTIONARY SYSTEM. FOR SOME OF MDB'S CONSTITUENCY OF IMPATIENT YOUNGER BRAZILIANS AND URBAN ACTIVISTS RESULT MAY BE TENDENCY TO OPT FOR POLITICAL EXPRESSION OUTSIDE PARTY CHANNELS IN MORE DISRUPTIVE WAYS.

19. THE EVENTS OF THE PAST WEEK FURTHER CONCENTRATES AND AUGMENTS UNRESTRAINED POWERS IN THE HANDS OF THE PRESIDENT AND THE MILITARY, RECONFIRMING THEM AS THE UNCHALLENGED ARBITERS OF NATIONAL POLITICAL LIFE. INDEED, PREDOMINANT ROLE OF PRESIDENT IN PROCESS, CONTRASTED WITH RELATIVE PASSIVENESS OF MILITARY IN EVENTS, IS SIGNIFICANT DEPARTURE FROM REVOLUTION'S TRADITIONAL COLLEGIAL DECISIONMAKING STYLE AND IS MORE IN DIRECTION OF WHAT SOME ALREADY SEE AS OMINOUS CONCENTRATION OF POWERS IN PERSON OF THE PRESIDENT. THIS PRECEDENT OF MASSIVE RULE CHANGES BY FIAT, WITH THE EASE AND ABSENCE OF PUBLIC RESISTANCE WITH WHICH IT WAS DONE, PROBABLY SET THE STAGE FOR FURTHER AND MORE FREQUENT USE OF AUTOCRATIC POWERS TO COPE WITH POLITICAL AND ECONOMIC DIFFICULTIES FOR AT LEAST REMAINDER OF GEISEL'S TERM. ONE RESULT OF RECENT EVENTS IS THE ALREADY WIDELY

HELD EXPECTATIONS THAT TOUGHER MEASURES WILL FOLLOW.

20. GEISEL APPEARS TO HAVE EMERGED FROM THIS CRISIS WITH HIS INFLUENCE OVER THE MILITARY ENHANCED AND HIS ABILITY TO CONTROL THE SUCCESSION PROCESS FURTHER IMPROVED. PUBLIC STATEMENTS OF GEISEL AND OTHERS IN PAST TWO WEEKS HAVE CLAIMED THAT CONSTITUTIONAL GIMMICKS WILL SOMEHOW EASE THE CONTINUING TASK OF INSTITUTION BUILDING AND ACHIEVEMENT OF DEMOCRACY, WORDS AND CONCEPTS THAT HAVE TAKEN ON A UNIQUE MEANING IN THE CURIOUS POLITICAL LEXICON OF THE REVOLUTION. IN FACT, THE VESTIGES OF DEMOCRACY IN BRAZIL HAVE BEEN FURTHER REDUCED AND STABLE VIABLE POLITICAL INSTITUTIONS ARE FARTHER AWAY THAN EVER--TO THE DESPAIR OF MANY POLITICIZED BRAZILIANS. FREQUENT OBSERVATION HERE IS THAT EXCEPTIONAL MEASURES IN 1966 AND 1968 WERE ACCEPTED AS NECESSARY BY MANY BRAZILIANS, WHO AT THAT EARLY STAGE OF THE REVOLUTION

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BELIEVED REGIME WOULD STILL HONOR ITS 1964 PLEDGE OF REDEMOCRATIZATION; BUT AFTER 13 YEARS NEW EXCEPTIONAL MEASURES ARE WIDELY SEEN AS DISMAYING ASSURANCE THAT MILITARY REGIME IS DETERMINED TO PRESERVE ITSELF AND TO RELY ON ITS CONTROL OF THE INSTRUMENTS OF FORCE.

21. WORTH NOTING ARE THE MEASURES THAT GEISEL REPORTEDLY CONSIDERED BUT DID NOT ADOPT. PROPOSAL TO REQUIRE STRAIGHT TICKET VOTING APPEARS TO HAVE BEEN DROPPED SIMPLY BECAUSE IT WAS DECIDED IT WOULD HURT ARENA MORE THAN HELP IT, PARTICULARLY IN MDB STRONGHOLDS WHERE MDB CANDIDATES WITH STRONG STATE-WIDE FOLLOWING ARE LIKELY TO HEAD THE PARTY'S TICKET. WELL PLACED PRESS SOURCES STATE JUSTICE MINISTER FALCAO DID SUBMIT PROPOSALS EARLY IN DELIVERATIONS FOR CASSATIONS AND FURTHER TIGHTENING OF PRESS AND NATIONAL SECURITY LAWS, BUT THAT THESE WERE RULED OUT BY THE PRESIDENT RATHER EARLY IN THE PROCESS. FACT THAT GOVERNMENT REPEATEDLY LET IT BE KNOWN THAT SUCH ACTIONS WERE UNDER SERIOUS CONSIDERATION HAD AN INTIMIDATING EFFECT, WHILE MAKING THE POINT THAT THESE DEVICES ARE ALWAYS AVAILABLE FOR FUTURE USE.

22. ON THE HUMAN RIGHTS SIDE, THIS NOTABLE HARDENING OF THE REGIME RAISES THE POSSIBILITY THAT THE SECURITY APPARATUS WILL INTERPRET EVENTS AS A LICENSE TO RESUME HEAVY REPRESSIVE MEASURES MUCH AS THEY DID IN THE WAKE OF GEISEL'S AUGUST 1975 SPEECH HALTING POLITICAL DISTENSÃO. MINDFUL THAT THEIR ATTITUDE WILL BE DETERMINED IN PART BY THE VIGOR OF THE MDB'S AND GENERAL PUBLIC'S REACTION, WE BELIEVE ON BALANCE THAT GEISEL WILL MAINTAIN CONTROL OVER SECURITY APPARATUS IN LIGHT OF HIS RELATIVELY SUCCESSFUL RECORD UP TO NOW, BECAUSE OF PRESIDENT'S SENSITIVITY AND THAT OF MANY OF HIS ADVISORS TO INTERNATIONAL OPINION IN AFTERMATH OF FLURRY OVER HUMAN RIGHTS AND BECAUSE SECURITY FORCES THEMSELVES LIKELY TO BE REASSURED BY THE LATEST HARDLINE MEASURES THAT PRESIDENT CAN BE TRUSTED TO KEEP "SUBVERSION" UNDER CONTROL.

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